

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

SKYPORT GLOBAL COMMUNICATIONS,
INC.,

Debtor.

Case No. 08-36737-H4-11

JOANNE SCHERMERHORN, JOHN K. WAYMIRE,
CHET GUTOWSKY, JOHN LLEWELLYN,
JOSEPH A. LOPEZ, ROBERT FOOTE, BLF
PARTNERS, LTD., ECAL PARTNERS, LTD.,
WHIZKID VENTURE, LLC, BELLA KRIEGER,
MARTIN POLLAK, GLOSTER HOLDINGS, LLC,
MELVYN REISER, BARRY KLEIN, CHESKEL
KAHAN, JOHN A. REES, BRIAN W. HARLE,
MICHAEL STEIN, LAWRENCE SOLOMON,
TRACY ELSTEIN & DAVID TOGUT, JASON
CHARLES TOGUT TRUST, BMT GRANTOR
TRUST, LYNN JOYCE ELSTEIN TRUST,
CHARLES STACK, JOSEPH BAKER, MOVADA,
LTD., PUDDY, LTD., DRACO CAPITAL, INC.,
EDWARD PASCAL, ROBERT MENDEL, STANLEY
BERAZNIK, DON DUI, BEN ARIANO, 3791068
CANADA, INC., PETER TAYLOR, JOHN E.
PANNETON, WAYNE C. FOX, DAVID CURRIE,
BYRON MESSIER, DARSHAN KHURANA, MATEO
NOVELLI, DIYA AL-SARRAJ, SEQUOIA
AGGRESSIVE GROWTH FUND, LTD., SEQUOIA
DIVERSIFIED GROWTH FUND, LTD., RIG III
FUND, LTD., ARAN ASSET MANAGEMENT SA,
SEMPER GESTION SA, and EOSPHOROS ASSET
MANAGEMENT, INC.

Plaintiffs

vs.

Adversary No. 10-3150

CENTURYTEL, INC. (a/k/a CENTURYLINK),
CLARENCE MARSHALL, R. STEWART
EWING, JR., MICHAEL E. MASLOWSKI,
HARVEY P. PERRY, ROBERT KUBBERNUS,
BALATON GROUP, INC., BANKTON FINANCIAL

**CORPORATION, BANKTON FINANCIAL §
CORPORATION, LLC, CLEARSKY §
MANAGEMENT, INC., WILSON VUKELICH, LLP §
and CLEARSKY INVESTMENTS, LP §
§
Defendants. §**

OBJECTION TO PLAINTIFFS' AMENDED MOTION TO SUPPLEMENT RECORD
[DOCKET #111]

**To the Honorable Jeff Bohm,
United States Bankruptcy Judge:**

Wilson Vukelich LLP, specially appearing herein and subject to its motion seeking dismissal of this action for improper service of process, lack of *in personam* jurisdiction and improper venue, files this Objection to the Motion to Supplement Record filed by the Plaintiffs.

1. On February 10, 2010, the Plaintiffs filed this case in the 113th Judicial District of Harris County, Texas. The case was removed by the non-Wilson Vukelich defendants to this Court. On March 26, 2010, the other defendants filed a Motion to Dismiss. An evidentiary hearing on that Motion to Dismiss was conducted on May 27, 2010. At the May 27, 2010 hearing, witnesses were examined, exhibits were offered into evidence, argument was made and the Court ruled on the Motion. The hearing on the Motion to Dismiss was concluded.

2. In a continued show of defiance of the law and rules, the Plaintiffs have filed a motion to supplement the record without providing any legitimate basis for doing so. With the hearing on the motion to dismiss filed by the other defendants in this action concluded for more than one month, the Plaintiffs seek to modify the record with a document generated by one of the representatives of a Plaintiff, which was in the hands of Plaintiffs' counsel at the time of the hearing, and about which Plaintiffs' counsel elicited testimony.

3. In the Amended Motion to Supplement, the Plaintiffs mischaracterize the testimony given at the May 27, 2010 hearing and the import of the document and such testimony.

Absolutely no basis exists in fact or law to reopen the record to allow the Plaintiffs to supplement the evidence with the document in question. No explanation for the failure to timely submit the document to the Court is offered and there exist no legal basis for supplementing the record closed on May 27, 2010. The motion should be denied.

4. Wilson Vukelich adopts the arguments of the other defendants stated in the Preliminary Objection to Plaintiffs' Motion to Supplement the Record [docket #120].

Conclusion

5. The instant motion is nothing more than yet another attempt to subvert the Federal Rules of Civil Procedure and Evidence. The Plaintiffs' lack of diligence in this adversary should not be rewarded. No basis exists to reopen the record. Wilson Vukelich requests that the motion be denied and that the Court grant other just relief.

Dated: July 22, 2010.

Porter & Hedges, L.L.P.

By: /s/ Elizabeth Freeman
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Counsel for Wilson Vukelich LLP

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served electronically by ECF on all registered in this case on July 22, 2010.

By: /s/ Elizabeth Freeman